

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KAREN CORTEZ,

Plaintiff,
vs.

MAXINE LEVINE and MICHAEL
MEYER, Trustees of the Levine Family
Trust,

Defendants.

No. 1:21-cv-00112-PJK-CG

ORDER ON JULY 8, 2021 STATUS CONFERENCE

THIS MATTER came on for an in-person status conference in Albuquerque, New Mexico on July 8, 2021. James Chavez appeared for the Plaintiff and Brant Lillywhite appeared for the Defendants. The parties addressed two pending motions, both of which were unopposed. Plaintiff's Motion to Amend Complaint and Add Party filed on May 26, 2021 (ECF No. 14), requested leave to amend to add Rental Management Services, Inc., (RMSI) as a defendant. Defendants' Unopposed Motion for Leave to File Crossclaim and Third-Party Complaint filed June 25, 2021 (ECF No. 17), sought leave to assert a crossclaim against RMSI and a third-party complaint against Karrie Cortez. Finding the motions well taken, the court granted them.

Given that RMSI will be added as a defendant, the court inquired whether diversity jurisdiction would cease to exist because RMSI and Plaintiff are both citizens of

New Mexico.¹ See Symes v. Harris, 472 F.3d 754, 758 (10th Cir. 2006) (noting that 28 U.S.C. § 1332 requires “complete diversity” between adverse parties). The parties agreed that diversity would not exist. As a result, this action shall be remanded back to the state court where it was originally filed. See 28 U.S.C. § 1447(e); McPhail v. Deere & Co., 529 F.3d 947, 951–52 (10th Cir. 2008).

NOW, THEREFORE, IT IS ORDERED that:

- (1) Plaintiff’s Motion to Amend Complaint and Add Party filed on May 26, 2021 (ECF No. 14) is granted.
- (2) Defendants’ Unopposed Motion for Leave to File Crossclaim and Third-Party Complaint filed on June 25, 2021 (ECF No. 17) is granted.
- (3) The case is remanded to the Second Judicial District Court, County of Bernalillo, State of New Mexico.

DATED this 13th day of July 2021, at Santa Fe, New Mexico.

/s/ Paul Kelly, Jr.
United States Circuit Judge
Sitting by Designation

¹ Plaintiff’s proposed amended complaint states that RMSI is a New Mexico corporation. See ECF No. 14-1 at 1. Likewise, Defendants’ proposed crossclaim and third-party complaint states that RMSI is a New Mexico corporation with its principal place of business in New Mexico. See ECF No. 17-1 at 1.